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Office of School Improvement
Field Services Unit

Technical Assistance Packet
Working with Private Schools

***Title II, Part D – Enhancing Education
Through Technology***

*Providing for Equitable Participation of Private School
Students, Teachers and Other Educational Personnel*

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Title II Part D: Providing for Equitable Participation of Private School Students, Teachers and Other Educational Personnel

Services

The Title II, Part D program consolidates the previous Technology Literacy Challenge Fund (TLCF) and Technology Innovation Challenge Grant programs into a single state formula grant program to support the integration of educational technology into classrooms to improve teaching and learning. Program services for nonpublic schools are governed by the Uniform Provisions of Title IX, Part E Section 9501, Participation by Private School Children and Teachers.

Consultation (as per Uniform Provisions and Guidance)

- Local School Districts (LEAs) and eligible local entities must engage in timely and meaningful consultation with appropriate private school officials during the design and development of programs and continue the consultation throughout the implementation of these programs. Therefore, the consultation should begin during the development of the local grant proposals on issues such as:
 1. how the needs of children and teachers will be identified;
 2. what services will be offered;
 3. how, where, and by whom the services will be provided;
 4. how the services will be assessed and how the results of the assessment will be used to improve those services;
 5. the size and scope of the equitable services;
 6. the amount of funds available for those services; and
 7. how and when the LEA will make decisions about the delivery of services.
- Consultation on the delivery of services must also include a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers [Section 9501].
- To ensure timely and meaningful consultation, an LEA must consult with appropriate private school officials during the design and development of the proposed programs. It is important that attention be given to the timing of the consultation so that decisions that affect the opportunities of eligible private school teachers, students and other educational personnel to participate in Title II, Part D program activities are made only after discussions have taken place. The quality of the consultative process will likely have an effect on the quality of services to private school teachers [Section 9501(c)(3) and (4)].
- The LEA is required to contact appropriate officials of all private schools within the boundaries of the school district *annually* to determine if they want their teachers, students and other educational personnel to participate in the Title II, Part D program, regardless of whether or not those officials have recently indicated any interest in program participation.

Documentation

Each LEA shall maintain a written affirmation signed by officials of each participating private school that the consultation required by this section has occurred.

- Document the meeting, discussion, process and the final plan which should include:

Required Documentation

Letter of invitation to plan
Documentation of private school consultation

Suggested Documentation

Minutes of meetings
Needs assessments used by private schools
Plan for delivery of service
Program evaluation process

- LEAs may request documentation, as needed, from private school officials that can help the LEA identify services that may be appropriate to the needs of private school teachers. However, requiring a formal application may, depending upon its form and content, constitute an administrative barrier that is inconsistent with the LEA's responsibility to ensure equitable participation of private school teachers.
- To meet its general record-keeping responsibility, an LEA should document that: (a) representatives of private schools were informed of the availability of Title II, Part D services; (b) the needs of private and public school teachers were identified as part of a district-wide needs assessment; (c) private school officials were consulted and provided an opportunity for input into the planning of the LEA's program activities; and (d) the LEA designed a project that would permit their equitable participation.
- The LEA also should maintain records of its efforts to resolve any complaints made by private school representatives that the LEA that should be serving their teachers are not doing so on an equitable basis.

Allocation

- For purposes of determining the amount of Title II, Part D funds that an LEA must make available for equitable services to private school teachers, students and other educational personnel the LEA must calculate the total enrollment of the public school and the private school. This total is divided into the LEA's Title II, Part D allocation to generate a per pupil amount. (See Calculation Worksheet in Title II, Part D appendix)

- To ensure that it is providing equitable educational services to private school teachers students and other educational personnel, the LEA should consider ways to:
 1. Assess, address, and evaluate the needs and progress of both public and private school teachers;
 2. Spend an equal amount of funds per student to serve the needs of public and private school teachers, students and other educational personnel.
 3. Provide private school teachers with an opportunity to participate in Title II, Part D activities equivalent to the opportunity provided public school teachers; and
 4. Offer educational services to private school teachers that are secular, neutral, and non-ideological [Section 9501(a)(2)].

Resources

- Refer to Guidance and Uniform Provisions for further information.



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Appendix



Title II, Part D Calculation of Private Schools' "Equitable Participation"

Worksheet for School Year _____

STEP 1: List the Private Schools located within your district's boundaries along with the enrollment of each school:

Private School	Enrollment
	Total

STEP 2: Determine the amount of the district's Title II, D allocation. This is the BASE.

STEP 3: Divide this BASE by the total of Students enrolled in the Public School and the Private Schools to produce the "Per-Pupil" amount:

$$\frac{\text{Title II, D Allocation (BASE)}}{(\text{Total Private Student Enrollment} + \text{Total Public School Student Enrollment})} = \text{Per-Pupil amount}$$

- The Public School's "share" = Per-Pupil amount X Public School's Enrollment
- Each Private School's "share" = Per-Pupil amount X Private School's Enrollment



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Resources



Guidance on the Enhancing Education Through Technology (Ed Tech) Program



U.S. Department of Education

March 11, 2002

Q 1. Do the equitable participation requirements in Subpart 1 of Part E of Title IX of the ESEA apply to the Ed Tech program?

A 1. Yes. The equitable participation requirements apply to the program. (See ESEA Section 9501(b)(1).)

Q 2. What do the equitable participation provisions require LEAs and eligible local entities to do?

A 2. LEAs and eligible local entities must engage in timely and meaningful consultation with appropriate private school officials during the design and development of programs and continue the consultation throughout the implementation of these programs. Therefore, for both Ed Tech formula and competitive awards, the consultation should begin during the development of the local grant proposals. Eligible LEAs that seek both competitive and formula funding under Ed Tech may engage in consultations that simultaneously involve the Ed Tech competitive and formula grants.

LEAs and local entities must provide, on an equitable basis, special educational services or other benefits that address the needs under the program of children, teachers, and other educational personnel in private schools in areas served by the LEAs and local entities. Expenditures for educational services and other benefits for private school children, teachers, and other educational personnel must be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

From Title IX, Part E — Uniform Provisions

SUBPART 1 — PRIVATE SCHOOLS

SEC. 9501. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

(a) PRIVATE SCHOOL PARTICIPATION-

(1) **IN GENERAL-** Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in areas served by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or another entity receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary schools and secondary schools in areas served by such agency, consortium, or entity, the agency, consortium, or entity shall, after timely and meaningful consultation with appropriate private school officials provide to those children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs under the program.

(2) **SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS-** Educational services or other benefits, including materials and equipment, provided under this section, shall be secular, neutral, and nonideological.

(3) **SPECIAL RULE-** Educational services and other benefits provided under this section for private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in the program and shall be provided in a timely manner.

(4) **EXPENDITURES-** Expenditures for educational services and other benefits provided under this section for eligible private school children, their teachers, and other educational personnel serving those children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

(5) **PROVISION OF SERVICES-** An agency, consortium, or entity described in subsection (a)(1) of this section may provide those services directly or through contracts with public and private agencies, organizations, and institutions.

(b) APPLICABILITY-

(1) **IN GENERAL-** This section applies to programs under —

(A) subparts 1 and 3 of part B of title I;

(B) part C of title I;

(C) part A of title II, to the extent provided in paragraph (3);

(D) part B of title II;

- (E) part D of title II;
- (F) part A of title III;
- (G) part A of title IV; and
- (H) part B of title IV.

(2) DEFINITION- For the purpose of this section, the term eligible children' means children eligible for services under a program described in paragraph (1).

(3) APPLICATION- (A) Except as provided in subparagraph (B), this subpart, including subsection (a)(4), applies to funds awarded to a local educational agency under part A of title II only to the extent that the local educational agency uses funds under that part to provide professional development to teachers and others.

(B) Subject to subparagraph (A), the share of the local educational agency's subgrant under part A of title II that is used for professional development and subject to a determination of equitable expenditures under subsection (a)(4) shall not be less than the aggregate share of that agency's awards that were used for professional development for fiscal year 2001 under section 2203(1)(B) (as such section was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001) and section 306 of the Department of Education Appropriations Act, 2001.

(c) CONSULTATION-

(1) IN GENERAL- To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult with appropriate private school officials during the design and development of the programs under this Act, on issues such as —

- (A) how the children's needs will be identified;
- (B) what services will be offered;
- (C) how, where, and by whom the services will be provided;
- (D) how the services will be assessed and how the results of the assessment will be used to improve those services;
- (E) the size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel and the amount of funds available for those services; and
- (F) how and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers.

(2) DISAGREEMENT- If the agency, consortium, or entity disagrees with the views of the private school officials on the provision of services through a contract, the agency, consortium, or entity shall provide to the private school officials a written explanation of the reasons why the local educational agency has chosen not to use a contractor.

(3) TIMING- The consultation required by paragraph (1) shall occur before the agency, consortium, or entity makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities under this section.

(4) DISCUSSION REQUIRED- The consultation required by paragraph (1) shall include a discussion of service delivery mechanisms that the agency, consortium, or entity could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.

(d) PUBLIC CONTROL OF FUNDS-

(1) IN GENERAL- The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with those funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer the funds and property.

(2) PROVISION OF SERVICES-

(A) IN GENERAL- The provision of services under this section shall be provided —

- (i) by employees of a public agency; or
- (ii) through contract by the public agency with an individual, association, agency, organization, or other entity.

(B) INDEPENDENCE; PUBLIC AGENCY- In the provision of those services, the employee, person, association, agency, organization, or other entity shall be independent of the private school and of any religious organization, and the employment or contract shall be under the control and supervision of the public agency.

(C) COMMINGLING OF FUNDS PROHIBITED- Funds used to provide services under this section shall not be commingled with non-Federal funds.

SEC. 9503. COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN.

(a) PROCEDURES FOR COMPLAINTS- The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations of section 9501 by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity. The individual or organization shall submit the complaint to the State educational agency for a written resolution by the State educational agency within a reasonable period of time.

(b) APPEALS TO SECRETARY- The resolution may be appealed by an interested party to the Secretary not later than 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within a reasonable period of time. The appeal shall be accompanied by a copy of the State educational agency's resolution, and a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve the appeal not later than 120 days after receipt of the appeal.